

REMARKS

Claims 1-23 are pending in the present application. Reconsideration of the claims is respectfully requested. No substantive amendments have been made.

Claim 4 was rejected as being indefinite, “the IRD” lacked sufficient antecedent basis. Claim 4 has been amended to replace “IRD” with “recording device”. Claim 9 has been amended to insert “and” between the two clauses.

Claims 1-4, 9-11, 18 and 20 were rejected under 35 USC 103(a) as being unpatentable over Wagner et al. in US Patent 7,207,056 in view of Hirata (US 6,374,406) and further in view of Ellis (US Pub. No. 2004/0103434). Claims 5, 7 and 8 are rejected over Wagner, Hirata and Ellis and further in view of Marolda (US Pub. No. 2003/0009766). Claims 14-16 and 22 are rejected over Wagner, Hirata and Ellis and further in view of Goode (US Pub No. 2004/0083492).

Independent claims 1, 12, 14, 18, 22 and 23 as previously presented include sending a positive verification response that affirms receipt and execution of the remote record request or a negative verification response that rejects the remote record request and prompts the subscriber to override any conflicts that gave rise to the rejection. Claims 18-21 are specifically directed to a satellite broadcast system for transmitting the remote record request via satellite to a subscriber IRD and a back channel outside the satellite network for transmitting the verification response back to the subscriber’s input device.

The Examiner cites Wagner’s “conflict resolution attribute” that can be used to determine how to handle a conflict between the task currently being scheduled and any previously existing tasks (col. 7, lines 47-52). The Examiner acknowledges that Wagner is silent on disclosing sending a verification from the subscriber site to the subscriber’s input device and displaying a conflict message to prompt the subscriber to override any conflicts. The Examiner cites to Hirata as disclosing sending a verification response from the subscriber site to the subscriber’s input device and displaying a conflict message as appropriate for the benefit of providing a user with confirmation and status of a submitted remote recording request. The Examiner cites to Ellis as disclosing displaying a conflict

message to prompt the subscriber to override any conflicts that gave rise to the rejection and to submit the override for the benefit of providing the user with options to help facilitate managing the recording conflict. Applicant respectfully disagrees with the Examiner's finding that it is obvious to combine the features taught by Wagner, Hirata and Ellis in the manner claimed by applicant.

Wagner's remote task scheduling for a set top box exists in the context of a unidirectional broadcast system i.e. a satellite broadcast system, or systems in which a return channel may exist but the user is not able to remotely cause the set top box to establish the return channel (see column 2, lines 30-45). Wagner's remote task scheduling is thus configured for use in a unidirectional broadcast. A notification service resends the notification according to a pre-determined schedule to insure that the notification is received by the set top box (col. 3, lines 4-7). A key component is Wagner's "conflict resolution attribute" that resolves any such conflicts based on a priori default or user settings (col. 7, lines 47-52). Thus, Wagner's solution to ensuring the notification is received and providing conflict resolution is well tailored to the unidirectional broadcast system to which his invention is directed. Because the notification service "insures" the notification request is received by the set-top box and any conflicts are resolved by user defined "conflict resolution attributes" there is no motivation to provide a verification response or to facilitate conflict resolution on a request-by-request basis. Wagner is not merely 'silent' regarding sending a verification response but teaches away from such a configuration. Wagner is clearly aware of the possibility of using a return channel yet configures his system for unidirectional operation.

By comparison Hirata describes a method of controlling electric appliances such as televisions by transmitting electronic mail over a bi-directional network i.e. the Internet. The user submits a remote record request using electronic mail that is transmitted over the bi-directional network to a gateway connected to the television. The gateway evaluates the record request and generates an electronic mail (positive or negative validation) that is transmitted over the bi-directional network back to the user.

One must consider the teachings of the Wagner and Hirata references as a whole. Wagner's remote task scheduling is configured for a unidirectional broadcast network and specifically avoids the use of a return channel even if one is available (col. 2, lines 39-46). Hirata teaches sending a verification response only in the context of an available bi-directional network. In light of the teaching of Hirata, one would have to replace Wagner's unidirectional broadcast network (satellite system) with a bi-directional network in order to send a verification response. Either that or use a return channel which is outside the scope of what Hirata teaches and contrary to what Wagner teaches. Furthermore, since Wagner provides the means to "insure" the notification (remote request) is delivered to the set-top box and to resolve any conflicts in accordance with user defined conflict resolution attributes, any motivation to send a verification request and provide for live conflict resolution is minimized and clearly outweighed by the cost and complexity of reconfiguring the communications network.

Ellis discloses an interactive television system and application that may be used to resolve conflicts in requested programming by presenting the user with display screens that inform the user of on-screen conflict-resolution options. The display screens are presented to the user on a television as a variant of the standard menu the user navigates using the remote control. If the user makes a request that causes a conflict, the IRD or set-top box determines the conflict and the options and displays them on the television. Ellis only contemplates presenting the user with display screens to resolve conflicts in the local environment of the recording device and television. Ellis provides no basis for transmitting the display screens from the recording device to a remote subscriber input device. This too requires either a bi-directional network or return channel eschewed by Wagner.


Applicant respectfully submits that the rejection of claims 1-23 as previously presented are traversed and requests a notice of allowance be issued.

Conclusion

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below listed telephone number if, in the opinion of the Examiner, such a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,



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